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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,402

07/11/2003

Ah Chong Tee

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02/28/2005

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

HSIEH, SHIH WEN

ART UNIT

PAPER NUMBER

2861

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/618,402

Applicant(s)

TEE ET AL.

Examiner

Shih-wen Hsieh

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,6,8,9,11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Response to Amendment***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher et al. (US Pat. No. 5,051,761).

In regard to:

Claim 1:

Fisher et al. teach:

A printer, comprising:

an inkjet print head (34, fig. 1) for printing ink (33, fig. 1, 33 is an ink supply tube, which supplies printing ink to the head 34);

a cap (22, fig. 1) proximate to the Inkjet print head and providing for a sealing of it to prevent drying of unused ink; and

an elevator (18, fig. 1, 18 in Fisher et al. calls it a maintenance station, since the cap 22 is connected to it, and it also can moves in the direction as indicated by double-headed arrow 28, therefore, it corresponds to an elevator in this claim) connected to the cap and occupying an area within a printing zone of the inkjet print head, said elevator

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providing for movement of the cap away from the print head to allow printing, and allowing for movement to the print head to allow for sealing and the preventing of ink drying, refer to col. 4, lines 14-67.

Claim 7:

Fisher et al. teach:

A method of printing, comprising:

providing an inkjet print head for printing ink;

locating a cap proximate to the inkjet print head and using it for a seal to prevent drying of unused ink; and

operating an elevator connected to the cap for movement of the cap away from the print head to allow printing, and for movement toward the print head to allow for sealing and the preventing of ink drying, wherein the operation of the elevator occupies an area within a printing zone of the inkjet print head, thereby providing for a narrower overall width, refer to fig. 1 and col. 4, line 14-67.

### ***Allowable Subject Matter***

3. Claims 2, 3, 5, 6, 8, 9 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. The following is a statement of reasons for the indication of allowable subject matter:

In regard to:

Claim 2:

The primary reason for the allowance of claim 2 is the inclusion of the limitation of wherein the elevator derives its up and down movement by drawing a movable platform along a set of ramps. It is this limitation found in this claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claim 3:

The primary reason for the allowance of claim 3 is the inclusion of the limitation of wherein the elevator includes locks to hold it in its down and away position during printing. It is this limitation found in this claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claims 5 and 6:

The primary reason for the allowance of claims 5 and 6 is the inclusion of the limitation of a rack and pinion gear connected to translate a driveshaft rotation into a lateral motion of a movable plate disposed within the elevator. It is this limitation found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Claim 8:

The primary reason for the allowance of claim 8 is the inclusion of the method step of operating of the elevator is such that it derives its up and down movement by drawing a movable platform along a set of ramps. It is this step found in this claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claim 9:

The primary reason for the allowance of claim 9 is the inclusion of the method step of operating of the elevator includes locking it to hold its down and away position during printing. It is this step found in this claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claims 11 and 12:

The primary reason for the allowance of claims 11 and 12 is the inclusion of the method step of using a rack and pinion gear to translate a driveshaft rotation into a lateral motion of a movable plate disposed within the elevator. It is this step found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-3, 5-9, 11 and 12 have been considered but are moot in view of the new ground(s) of rejection.

An updated search found reference 5,051,761, which teaches a maintenance station corresponding to the elevator in the instant application, is disposed within the

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printing area and can be moved up-and-down so as to allow a capping device to cover the print head during the unused period of the head.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 7:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Talbott can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


**SHIH-WEN HSIEH**

**PRIMARY EXAMINER**



Shih-wen Hsieh  
Primary Examiner  
Art Unit 2861

SWH



Feb. 24, 2005